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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 VIKRAM VALAME,

15 Plaintiff,

16 v.

17 JOSEPH R. BIDEN, President of the United
18 States, *et. al.*,

19 Defendants.
20

CASE NO. 5:23-cv-3018 NC

**STIPULATED REQUEST AND
[PROPOSED] ORDER TO SET
BRIEFING SCHEDULE FOR CROSS-
MOTIONS**

21
22 Pursuant to Local Rules 6-2 and 7-12, Plaintiff and Defendants in the above-captioned
23 cases jointly request that the Court enter the parties mutually agreed-upon schedule for briefing
24 Plaintiff's anticipated motion for summary judgment and Defendants' anticipated cross-motion
25 to dismiss or, in the alternative, for summary judgment. The parties stipulate and agree as follows:

- 26 1. Plaintiff filed the operative complaint in this case on June 20, 2023. Upon filing
27 the complaint, the Court ordered the parties to submit a Case Management
28 Statement on September 13, 2023, and scheduled a Case Management Conference

1 for September 20, 2023. ECF No. 2.

2 2. Plaintiff served the U.S. Attorney's Office with a copy of the complaint and
3 summons on July 10, 2023. Accordingly, Defendants' deadline to answer or
4 otherwise respond to the complaint is September 8, 2023.

5 3. On August 24, 2023, the Court granted a stipulation submitted by the parties to set
6 aside the deadlines related to the initial Case Management Conference until after
7 Defendants' motion to dismiss the complaint is adjudicated, if necessary. ECF
8 No. 27.

9 4. On September 1, 2023, Plaintiff expressed his intention to move for summary
10 judgment on his official capacity claims. After conferring on this issue, the parties
11 are in agreement that a coordinated briefing schedule for this motion and
12 Defendants' anticipated cross-motion to dismiss or, in the alternative, for summary
13 judgment, will allow for the most efficient and economical presentation of the
14 issues raised by the complaint to the Court.

15 5. Accordingly, the parties stipulate to continue the September 8, 2023 deadline for
16 Defendants to answer or otherwise respond to the complaint as to Defendants who
17 have been served in their official capacity, and agree to the following briefing
18 schedule:

19 a. Plaintiff files motion for summary judgment no later than September 15, 2023.

20 This brief is not to exceed 25 pages.

21 b. Defendants file their opposition to Plaintiff's motion and any cross-motions
22 (to dismiss and for summary judgment) no later than September 29, 2023. This
23 brief is not to exceed 40 pages.

24 c. Plaintiff files combined reply brief in support of motion for summary judgment
25 and opposition to Defendants' cross motions on October 13, 2023. This brief
26 is not to exceed 40 pages.

27 d. Defendants file reply brief in support of their cross-motion on October 27,
28 2023. This brief is not to exceed 25 pages.

6. Defendants conferred with Plaintiff, via e-mail, on September 6–7, 2023 about this stipulation. Plaintiff gave Defendants his consent to file a stipulation to set this briefing schedule.

7. Pursuant to Local Rule 6-2(a), undersigned counsel for Defendants has submitted a declaration in support of this stipulation.

A proposed order is attached.

DATE: September 7, 2023

Respectfully submitted,

/s/Vikram Valame

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DECLARATION

I declare, under penalty of perjury, that the factual assertions contained in this stipulation are true and correct to the best of my knowledge.

/s/Michael J. Gerardi

Michael J. Gerardi

Senior Trial Counsel